

Remarks

I. Status of claims

Claims 1-11 have been canceled without prejudice or disclaimer. New claims 12-34 have been added and are pending. Canceled claims 1-11 are identical to claims 1-11 initially examined in parent application 10/036,037, and are similar to the claims ultimately granted in 10/036,037. Claims 1-11 have been canceled to facilitate replacement by new claims 12-34. By canceling claims 1-11, Applicants are not conceding the propriety of the rejections made thereto.

II. Amendments

The specification has been amended to update the status of the priority applications.

Original claims 1-11 have been canceled.

New claims 12-34 have been added. The new claims are supported by the original disclosure. No new matter has been added.

III. Priority

The status of the priority application has been updated.

IV. Claim objections

Claim 6 was objected to for lacking improper antecedent basis. Claim 6 has been canceled rendering the objection moot. The objected to language is not used in the new claims.

V. 35 USC 112 rejection

Claims 6 and 7 are rejected under 35 USC 112, second paragraph, as being indefinite. Claims 6 and 7 have been canceled, rendering the rejection moot.

VI. 35 USC 102 and 103 rejections

Claims 1 and 6 are rejected under 35 USC 102(b) as being anticipated by US 1,130,324 to Owen.

Claim 5 is rejected under 35 USC 103(a) as being unparentable over Owen in view of US 5,417,523 to Scales.

Claims 8-11 are rejected under 35 USC 103(a) as being unpatentable over Owen.

Claims 1, 5, 6 and 8-11 have been canceled, thereby rendering the rejections moot. By canceling these claims, Applicants are not conceding the propriety of the Examiner's rejections or any comments or statements made by the Examiner concerning these claims or the cited references. Applicants reserve the right to present arguments at a later date specifically addressing the merits of these rejections.

VII. New claims 12-34

New claims 12-34 are patentable over the cited prior art, including Owen and Scales.

With respect to claim 12, the prior art does not teach, for example, a wall block as claimed that includes a lock flange that is sized, shaped, and positioned such that when the block is placed on top of a similarly configured block the bottom of the lock flange can pass through the opening of the lock channel of the similarly configured block.

With respect to claim 26, the prior art does not teach, for example, a retainer bar as claimed.

VIII. Double Patenting

Claims 1, 2, 3, 4 and 6 are rejected under 35 USC 101 as claiming the same invention as claims 1, 1, 2, 3 and 13 of US Patent 6,758,636.

Claim 1 is rejected under the doctrine of obviousness-type double patenting as being unpatentable over claim 1 of US 6,338,597.

Claims 6 and 7 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 9 and 10 of US 6,758,636.

Claims 1, 2, 3, 4, 6 and 7 have been canceled, thereby rendering these rejections moot.

By canceling the claims, Applicants do not concede the propriety of the rejections and Applicants reserve the right to present arguments at a later date specifically addressing the merits of these rejections.

IX. Conclusion


Applicants believe that the claims now pending in this patent application are in immediate condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.



Respectfully submitted,

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